

**STATE OF LOUISIANA
COURT OF APPEAL, THIRD CIRCUIT
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REHEARING ACTION: April 1, 2009

Docket Number: 08 00762-KA

**STATE OF LOUISIANA
VERSUS
TERRELL STIPE**

Appealed from Calcasieu Parish Case No. 12259-06(Ascesion Parish)

BEFORE JUDGES:

**Hon. Sylvia R. Cooks
Hon. John D. Saunders
Hon. Jimmie C. Peters**

As counsel of record in the captioned case, you are hereby notified that the application for rehearing filed by **Terrell Stipe** has this day been

DENIED: Defendant's application for rehearing is denied as this court may not consider an application for rehearing based on newly discovered evidence, nor can it remand the case, as the one year time period for filing a motion for new trial based on newly discovered evidence has lapsed. La.Code Crim.P art. 853, 851(3). Defendant may present his claim by application for post-conviction relief. La.Code Crim.P. art 930.3.

cc: Anthony Gerard Falterman, Counsel for the Appellee
Shawn Rene Bush, Counsel for the Appellee
Donald David Candell, Counsel for the Appellee